

# ***First Circuit Opinion Summaries by Findlaw***

- [First Circuit Opinion Summaries by Findlaw](#) - with links to full-text opinions arranged by month.

## **Most Recent Summaries**

### **Hernandez Lima v. Lynch**

September 7, 2016

Immigration Law, Administrative Law

(United States First Circuit) - Guatemalan-native's petition for review of the Board of Immigration Appeals' (BIA) decision to dismiss his appeal of an immigration judge's (IJ) denial of his application for withholding of removal, is denied where substantial evidence supports the BIA's finding that petitioner did not establish past persecution, despite presenting evidence of three allegedly qualifying experiences.

### **Smith v. Dickhaut**

September 7, 2016

Habeas Corpus, Criminal Law & Procedure

(United States First Circuit) - Denial of petition for writ of habeas corpus relief from conviction of first-degree murder, armed home invasion, and unlawful possession of a firearm, is affirmed over petitioner's claims that: 1) he had been deprived of his constitutionally protected right to effective legal representation when trial counsel failed to fully and properly advise him about his right to testify at trial; 2) because he waived his right to testify based upon counsel's erroneous (and constitutionally deficient) advice, that waiver was invalid; and 3) trial counsel provided deficient representation by failing to marshal and present exculpatory evidence in his defense.

### **Kaufman v. CVS Caremark Corp.**

September 6, 2016

False Advertising, Consumer Protection Law

(United States First Circuit) - In a suit alleges that CVS's Vitamin E dietary supplement with a label that touts the product as supporting 'heart health' label deceives consumers because no scientifically valid studies show that the label's 'heart health' statements are both truthful and not misleading, the District Court's order dismissing the complaint is reversed where federal law does not preempt plaintiff's effort to maintain this action under New York's consumer protection law.